

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
NORTHERN DIVISION**

GREGORY ROSE

PLAINTIFF

v.

No. 3:19-cv-293-DPM

**MIKE GIBSON, Judge, Osceola;
CATHERINE DEAN, Prosecutor,
Osceola; OILLIEY COLLINS, Chief,
Osceola Police Department; TERRY,
Detective, Osceola Police Department;
and CHRIS GILLIS, Detective, Osceola
Police Department**

DEFENDANTS

ORDER

1. The United States Court of Appeals for the Eighth Circuit partly affirmed and partly reversed this Court's Judgment and remanded for service of Rose's complaint. *Doc. 13 & Doc. 15*. The mandate has issued. *Doc. 17*.

2. While Rose's appeal was pending, he filed a similar lawsuit. E.D. Ark. No. 3:19-cv-347-LPR. In that case, both his unlawful arrest claim and his malicious prosecution claim were dismissed with prejudice. As the Court of Appeals noted in this case, though, malicious prosecution may not be the best analogue for Rose's claim. *Doc. 13 at 3; see also Manuel v. City of Joliet, Illinois*, 137 S.Ct. 911 (2017), *remanded to* 903 F.3d 667 (7th Cir. 2018). Thus, Rose's claim about his

unlawful pretrial detention after the start of legal process still warrants service.

3. The Court directs the Clerk to change Galbson's name on the docket to Gibson. The Court further directs the Clerk to issue summonses for Mike Gibson, Catherine Dean, Oilliey Collins, Chris Gillis, and Terry. The United States Marshals Service must serve the complaint, *Doc. 2*, summons, and this Order on each defendant without prepayment of fees and costs or security. Gibson should be served through the Mississippi County District Court, Osceola District, 397 West Keiser Avenue, Osceola, Arkansas 72370. Dean should be served at P.O. Box 552, Osceola, Arkansas 72370. Collins, Gillis, and Terry should be served through the Osceola Police Department, 401 West Keiser Avenue, Osceola, Arkansas 72370.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

28 July 2020